

IC 35-47-11

Chapter 11. Local Regulation of Firearms

IC 35-47-11-1

Applicability of chapter

Sec. 1. (a) Section 2 of this chapter applies to all units (as defined in IC 36-1-2-23). All other sections of this chapter apply to all units other than townships.

(b) This chapter applies only if a statute expressly grants a legislative body the authority to adopt an emergency ordinance under this chapter.

(c) This chapter does not affect the validity of an ordinance adopted before, and in effect on, January 1, 1994.

As added by P.L.140-1994, SEC.13.

IC 35-47-11-2

Regulation of firearms by units other than townships

Sec. 2. Notwithstanding IC 36-1-3, a unit may not regulate in any manner the ownership, possession, sale, transfer, or transportation of firearms (as defined in IC 35-47-1-5) or ammunition except as follows:

(1) This chapter does not apply to land, buildings, or other real property owned or administered by a unit, except highways (as defined in IC 8-23-1-23) or public highways (as defined in IC 8-2.1-17-14).

(2) Notwithstanding the limitation in this section, a unit may use the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within two hundred (200) feet of a school by a person having a business that did not sell firearms within two hundred (200) feet of a school before April 1, 1994.

(3) Notwithstanding the limitation in this section, a legislative body of a unit other than a township may adopt an emergency ordinance or a unit other than a township may take other action allowed under section 6 of this chapter to regulate the sale of firearms anywhere within the unit for a period of not more than seventy-two (72) hours after the regulatory action takes effect.

As added by P.L.140-1994, SEC.13.

IC 35-47-11-3

Emergency ordinances; adoption; conditions warranting

Sec. 3. The legislative body of a unit may adopt an emergency ordinance under this chapter if:

(1) a disaster (as defined in IC 10-14-3-1) has occurred or is likely to occur in the unit; and

(2) a local disaster emergency has been declared in the unit under IC 10-14-3-29.

As added by P.L.140-1994, SEC.13. Amended by P.L.2-2003, SEC.98.

IC 35-47-11-4

Emergency ordinances; procedures for adoption

Sec. 4. Notwithstanding any other law, if the conditions described under section 3 of this chapter are present within a unit, the legislative body of the unit may adopt an emergency ordinance under this chapter:

- (1) without complying with the public notice and public meeting provisions of:
 - (A) IC 5-14-1.5; or
 - (B) any other statute;
- (2) on the same day that the ordinance is presented to the legislative body; and
- (3) by a majority vote of the members of the legislative body.

As added by P.L.140-1994, SEC.13.

IC 35-47-11-5**Emergency ordinances; effective date; expiration**

Sec. 5. An emergency ordinance adopted under section 4 of this chapter:

- (1) takes effect on the date and at the time of the adoption of the ordinance; and
- (2) expires the earlier of:
 - (A) seventy-two (72) hours after the time of the adoption of the ordinance; or
 - (B) a time specified in the emergency ordinance.

As added by P.L.140-1994, SEC.13.

IC 35-47-11-6**Restrictions on sale of firearms during emergency; declaration by executive or presiding officer**

Sec. 6. If:

- (1) the conditions described under section 3 of this chapter are present within a unit;
- (2) an unsuccessful attempt is made to convene the legislative body for the purpose of adopting an emergency ordinance under this chapter; and
- (3) in the case of a municipality, an unsuccessful attempt is made to convene the works board to act under this chapter as if the works board were the legislative body;

the executive of a municipality or the presiding officer of a county executive may declare a restriction on the sale of firearms anywhere within the unit for a period of not more than seventy-two (72) hours after the restriction is declared. A declaration under this section has the same effect as an ordinance adopted under section 4 of this chapter and becomes effective and expires as provided in section 5 of this chapter.

As added by P.L.140-1994, SEC.13.